

## VESTING TENTATIVE MAP EXTENSION

<b>FILE NO.</b>	<b>PTE15-069-01</b>
<b>LOCATION OF PROPERTY</b>	<b>350 South Winchester Boulevard (Northeast corner of South Winchester Boulevard and Tatum Lane)</b>
<b>ZONING DISTRICT</b>	<b>CP(PD) Planned Development Zoning District (File No. PDC15-065)</b>
<b>PURPOSE OF MAP</b>	<b>Two-year time extension of a previously approved permit (File No. PT15-069).</b>
<b>TITLE OF MAP</b>	<b>Vesting Tentative Map for Condominium Purposes Winchester Tower</b>
<b>DRAWN BY</b>	<b>BKF Engineers Consulting Engineers 1730 North 1<sup>st</sup> Street, Suite 600 San Jose, CA 951152</b>
<b>DATE OF MAP</b>	<b>June 27, 2017</b>
<b>ENVIRONMENTAL STATUS</b>	<b>350 S. Winchester Mixed-Use Project (Volar) Final Environmental Impact Report (SCH #2016052020)</b>
<b>OWNER/ADDRESS</b>	<b>Winchester Tower Plaza on the Row 1325 Howard Avenue, #723 Burlingame, CA 94010</b>

### FACTS

The Director of Planning, Building, and Code Enforcement finds that the following are the relevant facts regarding this proposed project:

- 1. Site Description and Surrounding Uses.** The project site is located on the northeast corner of South Winchester Boulevard and Tatum Lane. The project site is currently developed with a 26,850-square foot, two-story commercial building. The project site surrounded commercial and residential uses (Santana Row) on three sides. One of the Santana Row parking garages is located north of the project site; a mixed-use building is located east of the site, and a commercial building and Tatum Lane are located to the south of the project site. The project fronts South Winchester Boulevard to the west. There are commercial uses across on the west side of South Winchester Boulevard.
- 2. Project Description.** This is a two-year extension to a previously approved Vesting Tentative Map (File No. PT15-069) to allow for the subdivision of one lot for condominium purposes to allow 307 residential units and 10 commercial spaces on an approximately 0.9-gross acre site.
- 3. General Plan Conformance.** This site has a designation of Regional Commercial on the adopted Envision San José 2040 General Plan Land Use/Transportation Diagram. This designation is intended for regional shopping centers, though sometimes it may reflect the

cumulative attraction of a regional center and one or more nearby community or specialty commercial centers, or two or more community or specialty centers in close proximity whose combined drawing power is of a regional scale. The Vesting Tentative Map extension would facilitate the construction of this previously approved project (File No. PD15-059).

4. **Zoning Ordinance Conformance.** The site is located in the CP(PD) Planned Development Zoning District (File No. PDC15-065). The tentative map extension would facilitate the residential and commercial condominiums which were previously approved with a Planned Development Permit (File No. PD15-059).

## FINDINGS

The Director of Planning, Building, and Code Enforcement concludes and finds, based on the analysis of the above facts, that:

1. **Subdivision Map Act Findings.** In accordance with Section 66474 of the Government Code of the State of California, the Director of Planning of the City of San José, in consideration of the proposed subdivision shown on the Tentative Map with the imposed conditions, shall deny approval of a Tentative Map, if it makes any of the following findings:
  - a. That the proposed map is not consistent with applicable General and Specific Plans as specified in Section 65451.
  - b. That the design or improvement of the proposed subdivision is not consistent with applicable General and Specific Plans.
  - c. That the site is not physically suitable for the type of development.
  - d. That the site is not physically suitable for the proposed density of development.
  - e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
  - f. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
  - g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

*Analysis: Based on review of the proposed subdivision, the Director of Planning of the City of San José does not make any such findings to deny the subject extension of the previously approved subdivision (File No. PT15-069).*

2. **Subdivision Ordinance Findings.** In accordance with San José Municipal Code (SJMC) Section 19.12.130, the Director may approve the Tentative Map if the Director cannot make any of the findings for denial in Government Code section 66474 and the Director has reviewed and considered the information relating to compliance of the project with the California Environmental Quality Act and determines the environmental review to be adequate. Additionally, the Director may approve the project if the Director does not make any of the findings for denial in San Jose Municipal Code Section 19.12.220.

Section 19.12.130 incorporates the findings for denial in Section 66474 of the Government Code specified in Findings Section 1 herein.

*Analysis: Based on review of the proposed subdivision, the Director of Planning of the City of San José does not make any such findings to deny the subject subdivision.*

In accordance with the findings set forth above, a two-year extension for the Vesting Tentative Map for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **approved**. The Director of Planning, Building, and Code Enforcement expressly declares that it would not have granted this Tentative Map except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

**APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. **Acceptance of Vesting Tentative Map.** Per Section 20.100.290(B) of Title 20 of the San José Municipal Code, should the Subdivider fail to file a timely and valid appeal of this Vesting Tentative Map within the applicable appeal period, such inaction by the Subdivider shall be deemed to constitute all of the following on behalf of the Subdivider:
  - a. Acceptance of the Permit by the applicant; and
  - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Conformance with Vesting Tentative Map.** This Vesting Tentative Map Extension shall conform to the permit conditions in the approved Vesting Tentative Map (File No. PT15-069).
3. **Expiration of Map.** This Vesting Tentative Map shall automatically expire two years from the date of expiration of the previously approved Vesting Tentative Map (File No. PT15-069). This Tentative Map extension shall expire on December 27, 2024.
4. **Conformance with Other Permits.** The subject Vesting Tentative Map conforms to and complies in all respects with the Planned Development Permit (File No. PD15-059) on which such Vesting Tentative Map is based. Approval of said Vesting Tentative Map shall automatically expire with respect to any portion of the lands covered by such Vesting Tentative Map on which a Final Map or Tract Map has not yet been recorded if, prior to recordation of a Final Map or Tract Map thereon, the Planned Development Permit for such lands automatically expires or for any reason ceases to be operative.
5. **Conformance to Plans.** The development of the site shall conform to the approved Tentative Map entitled, "Vesting Tentative Map" dated November 21, 2016 on file with the Department of Planning Building and Code Enforcement.
6. **Revocation, Suspension, Modification.** This Vesting Tentative Map Extension is subject to revocation, suspension or modification for violation of any of its provisions or condition.

**APPROVED** and issued this on the **2<sup>nd</sup> day of February, 2022.**

Christopher Burton, Director  
Planning, Building and Code Enforcement

Sylvia Do  
Deputy